

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GERONIMO VELASCO,

Plaintiff,

v.

PENTAGON TECHNOLOGIES GROUP,
INC.,

Defendant.

Case No. 24-cv-05307-VC

**ORDER DENYING MOTION TO
STRIKE**

Re: Dkt. No. 18

The motion to strike is denied. While Pentagon shouldn't have missed its deadline, this doesn't merit striking its answer. It seems unlikely that the six-day delay caused Velasco any real prejudice. Even if it did, that prejudice is clearly less than the prejudice that would be caused to Pentagon by entering a default judgment and preventing it from defending the case on the merits.

See Kirola v. City & County of San Francisco, No. C 07-3685, 2011 WL 89722, at *3 & n.2 (N.D. Cal. Jan. 11, 2011).

Nor are Pentagon's alleged evasive denials grounds for striking its answer. District courts cannot "examine statements in an answer" and "decide, on the basis of their own intuition, that the statements are implausible." *In re Mortgages Ltd.*, 771 F.3d 623, 632 (9th Cir. 2014). Nor does it make sense to strike Pentagon's statements as "insufficient defense[s]" under Rule 12(f), because they aren't defenses. Finally, it does seem somewhat unlikely that Pentagon really doesn't know whether, for instance, Velasco made an enrollment to its health insurance. But it isn't apparent from this record that Pentagon's assertions of lack of knowledge were made in bad faith.

Without drawing any conclusions as to the parties' conduct thus far, they are both advised to litigate this case in good faith and in a manner consistent with their ethical obligations. Pentagon should work to resolve the case efficiently and without taking advantage of Velasco's pro se status. Velasco should double-check the cases he cites to be sure they exist. If he would like assistance, he is encouraged to consult the Federal Pro Bono Project, the Northern District of California's free legal help desk for self-represented individuals. He can reach the help desk by emailing fedpro@sfbar.org or calling 415-782-8982.

IT IS SO ORDERED.

Dated: January 2, 2025



VINCE CHHABRIA
United States District Judge